



**Beador
Construction
Company, Inc.**



July 27, 2016

Department of Transportation
Division of Engineering Services
Office Engineer
1727 30th Street, MS-43
P.O. Box 168041
Sacramento, CA 95816-8041

Attention: Mrs. Jill Y. Sewell
Office Chief

RE: Bid Protest
CalTrans Contract 11-299304

Mrs. Sewell:

Beador Construction Company Inc hereby protests the above project bid AND DBE commitment form submitted by Spectrum Construction Group. We contend Spectrum incorrectly completed their subcontractor entries by not putting in each individual item as required by the subcontracting listing form and sample entry given in the expedite bid submission software. Thus, for Austin Enterprises, they list item 2021 to which there is no item 2021. For Payco Specialties, they list item 242830 to which there is no item 242830.

The State may recall, for project 06-0S6004, in their letter to Beador finding our low-bid bid non-responsive, CalTrans stated they award "on the face of the bid" and CalTrans "cannot make assumptions with regard to listing a subcontractor to perform work". Using that same criteria for Spectrum's bid, CalTrans cannot make any assumptions on the intent of how Spectrum listed both Austin Enterprise and Payco Specialties. Again Austin was submitted for item 2021, there is no contract item 2021 and Payco for item 242830, to which there also is no contract item. CalTrans must reject their listing of these items based on awarding projects "on the face of the bid" and CalTrans *not* "make(ing) assumptions with regard to listing a subcontractor to perform work". CalTrans can also note, Spectrum properly completed the subcontractor listing for Maneri Traffic Control, separating the two items Maneri was listed for, both on the DBE submittal and subcontractor listing.

Having said that, their DBE listing for these items must now be removed from their DBE submittal. Per the attached DBE commitment submitted by Spectrum and revised to remove all Payco items except item 10 and all Austin bid items, their DBE commitment goes to \$86,380.20 or 7.1% and they have submitted no good faith estimate.

**Beador
Construction
Company, Inc.**

Beador hereby requests the project be awarded to the lowest responsible bidder, which we believe to be Beador Construction Company, Inc. Should you have questions or comments, please feel free to call.

Sincerely,

Beador Construction Company, Inc.

David A. Beador

David A. Beador
President

REF: 11-299304 Bid Protest

STATE OF CALIFORNIA

B I D S U M M A R Y

DEPARTMENT OF TRANSPORTATION

BID211

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CONTRACT CODE 'B'
30 CONTRACT ITEMS

BID OPENING DATE 07/19/16
 CONTRACT NUMBER 11-299304
 LOCATION 11-SD-5-R48.7/R59.6

IN SAN DIEGO COUNTY IN CARLEAD AT
 AGUA REDIONDA LAGOON BRIDGE AND IN
 OCEANSIDE AT ALISO CREEK BRIDGE.

REPAIR PILE CAP AND COLUMNS, TREAT

FEDERAL AID NHPI-005-1(633)E

DB GOALS: DISADVANTAGED BUSINESS ENTERPRISE - 8.0%
 PROPOSALS ISSUED 9 FUND TOTAL RA21 0

TOTAL NUMBER OF WORKING DAYS 235

NUMBER OF BIDDERS 3 ENGINEERS EST 1,240,121.80 AMOUNT UNDER 21,099.39 PERCENT UNDER EST 1.70
 PROGRAM ELEMENTS RAS

BID RANK	BID TOTAL	BIDDER ID	BIDDER INFORMATION (NAME/ADDRESS/LOCATION)
1	1,219,022.41	3	SPECTRUM CONSTRUCTION GROUP, INC. 32 EDELMAN IRVINE CA 92618 949 299-1400 01005737 FAX 949 502-5542
2	1,249,300.00	1	BEADOR CONSTRUCTION COMPANY, INC. 26320 LESTER CIRCLE CORONA CA 92883 951 674-7352 00720483 FAX 951 674-7495
3	1,396,237.07	2	PAL GENERAL ENGINEERING INC 5374 EASTGATE MALL SAN DIEGO CA 92121 858 638-7100 00916931 FAX 858 638-7102

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LIST OF SUBCONTRACTORS

BIDDER ID NAME AND ADDRESS LICENSE NUMBER DESCRIPTION OF PORTION OF WORK SUBCONTRACTED

03	AUSTIN ENTERPRISES BAKERSFIELD CA	764893	* ITEM 2021 (90%)
	AUSTIN ENTERPRISES BAKERSFIELD CA	764893	JOINT SEAL
	COMMERCIAL SCAFFOLDING INC. EL CAJON CA	835630	ITEM 18 (90%)
	COMMERCIAL SCAFFOLDING INC. EL CAJON CA	835630	TEMPORARY SUPPORT
	MANERI TRAFFIC CONTROL TEMECULA CA	892008	CONSTRUCTION SIGNS
	MANERI TRAFFIC CONTROL TEMECULA CA	892008	ITEM 1 (90%)
	MANERI TRAFFIC CONTROL TEMECULA CA	892008	ITEM 2 (60%)
	MANERI TRAFFIC CONTROL TEMECULA CA	892008	TRAFFIC CONTROL
	PAYCO SPECIALTIES CHULA VISTA CA	298637	ITEM 10 (90%)
	PAYCO SPECIALTIES CHULA VISTA CA	298637	* ITEM 242830 (90%)
	PAYCO SPECIALTIES CHULA VISTA CA	298637	STRIPING

004/005

07/27/2016 WED 11:17 FAX

Low Bidder

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
DBE - COMMITMENT
 DBE-DB-0102190 (REV 12/2014)

07-25-15A11:12 RCV

CONTRACT NO:

11-299304

BID AMOUNT:

\$ 1,219,022.41

BID OPENING DATE:

7/19/2016

BIDDER'S NAME:

Spectrum Construction Group, Inc.

DBE GOAL FROM CONTRACT %

8%

DBE PRIME CONTRACTOR CERTIFICATION¹:

N/A

TOTAL NUMBER OF ALL SUBCONTRACTS (DBE & NON-DBE)

4

TOTAL VALUE OF ALL SUBCONTRACTS (DBE & NON-DBE)

\$309,650.00

BID ITEM NO.	ITEM OF WORK AND DESCRIPTION OF SERVICES TO BE SUBCONTRACTED OR MATERIALS TO BE PROVIDED ²	WORK CATEGORY CODES ³	NAME OF DBE <small>(Must be certified on the date bids are opened include California certification no., DBE address, and phone number. Show 2nd and 3rd for subcontractors)</small>	AMOUNT (\$)
1	Construction Area Signs	C1200	Mineral Traffic Control DBE #00078 47423 Rainbow Canyon Temecula, CA 92592 (951) 695-5104	\$ 5,082.00
2	Traffic Control	C1200	Mineral Traffic Control DBE #00078 47423 Rainbow Canyon Temecula, CA 92592 (951) 695-5104	\$77,560.00
10, 21-26	Striping Removal & New Striping	C0800	Payon Specialties DBE #102 130 N. Second Ave, Chula Vista, CA 91910 (619) 422-0204	\$11,840.00 3148.20
20, 21	Clean Joints & Joint Seal	C4040	Austin Enterprises DBE #013003 PO Box 51020 Berkeley, CA 94705 (861) 580-1001	\$17,608.00
				\$112,650.00 3148.20

Show all DBE firms being claimed for credit, regardless of tier. Attach written confirmation from each DBE shown stating that it will be participating in the contract to perform the specific work shown for the specific amount agreed to.

The names of the 1st tier DBE subcontractors and items of work must be consistent with the Subcontractor List (Pub Cont Code § 4100 at sec.).

¹Each DBE prime contractor must enter its certification number and show all work to be performed by DBEs, including work performed by its own forces.

²If 100% of an item is not to be performed or furnished by the DBE, describe the exact portion of the item to be performed or furnished.

³Use Work Category Codes from the California Unified Certification Program database.

Total Disposed
Participation

The bidder acknowledges that it is committed to use the DBEs shown on this form to meet the contract goal (40 CFR 28.53).

Signature of Bidder

7-21-16
Date

949-299-1400
(Area Code) Tel. No

Bisher Aljazzar

Person to Contact

(Please Type or Print)

ADA Notice

For individuals with sensory disabilities, this document is available in alternate format. For information, call (916) 446-1230, TTY 711, or write to Records and Forms Management, 1120 N Street, MS-55, Sacramento, CA 95814

Contract No. 11-299304